

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING – **APPROVED**
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, MARCH 7, 2006, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Director of Parks & Recreation LuAnn Maisner, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Tom Boyd, 55th District Court Judge, introduced himself and apprised the Board of current changes being undertaken in the court relative to minors in possession and domestic abuse.

Leonard Provenchur, 5824 Buena Parkway, Haslett, expressed opposition to certain provisions of the Property Maintenance Code.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Brett Kaschinske, MRPA Awards Committee

Mr. Kaschinske presented Utility Lead Worker, Scot Stillman, with the 2006 Michigan Recreation and Park Association Maintenance Leadership Award.

Clerk Helmbrecht announced the general election on Tuesday, March 14, 2006, for the vacant 23rd Senatorial District formerly held by Virg Bernero. The Clerk's office will be open on Saturday, March 11, 2006, from 8:00 a.m. until 2:00 p.m. for citizens who wish to obtain an absentee ballot.

Trustee Veenstra suggested a copy of the Property Maintenance Code be available for public inspection during meetings where the Board discusses this item.

Township Manager Richards announced the Meridian Area Business Association Expo will be held on Saturday, March 11, 2006 from 10:00 a.m. until 3:00 P.M. at Haslett High School.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Such moved to approve the agenda as submitted. Seconded by Trustee Brixie.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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Trustee Veenstra inquired as to the proposed route of the pedestrian bicycle pathway discussed in the staff memorandum for Agenda Item #7J (Resolution to Support and Approve Grant Application for Non-Motorized Trail/Pathway). He also was desirous of moving this item to action, as he alleged the resolution appropriates a Township match on two grant applications.

Director Severy stated the proposed route is on the Pathway Master Plan map and runs from Grand River Avenue to Marsh Road. He noted the intent of the resolution is to support Ingham County's grant application, not appropriate money at this point in time.

Clerk Helmbrecht stated that part of the trail goes through a Land Preservation parcel and indicated the Land Preservation Advisory Board would like to participate in the placement of the trail to avoid special natural features on the parcel.

Director Severy added that a Public Works project to build a pump station and sanitary sewer should be coordinated with the pathway so that the same route can be used for both.

Trustee Brixie moved to adopt the Consent Agenda. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Staff Communication/Referral (SC)

- SC-1 Letter from John LeFevre, Building Board of Appeals Officer, to William A. Peloquin; RE: Building Board of Appeals Public Hearing on March 21, 2006 for 6045 Hardy Drive, East Lansing
- SC-2 Michigan Townships Association Legislative E-Report February 17, 2006 Edition
- SC-3 Michigan Townships Association Legislative E-Report, February 24, 2006 Edition

Trustee Brixie moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the February 23, 2006 Regular Meeting as submitted. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

C. Bills

Trustee Brixie moved that the Township Board approve the Manager's Bills as follows:

- H. Liquor License Transfer, Fink, Inc. (Mark's Watershed)
Trustee Brixie moved to approve Fink Incorporated to transfer ownership of a 2005 Class C licensed business with Dance Permit located at 5965 Marsh Road, Haslett, Michigan, Meridian Township, Ingham County, Michigan from Watershed Group LLC; Thomas E. Woods, receiver and further, authorize the Township Clerk to execute the resolution for local approval of the above described transfer as stated in a memorandum to the Board dated March 3, 2006. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

- I. Rescind Liquor License Allocation, Castaldi's Market and Grill, Inc.
Trustee Brixie moved that the liquor license allocation approved through Board resolution dated July 2, 2002 to Castaldi's Market and Grill, Inc., be rescinded and further, authorize the Township Clerk to execute the resolution for local rescinding action taken as described in the memorandum dated March 3, 2006. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

- J. Resolution of Support for County Park Grant Applications (Revised)
Trustee Brixie moved to approve the attached resolution approving funding for the project and supporting and approving the applications for the Michigan Department of Natural Resources Trust Funds, and Michigan Department of Transportation enhancement funds for the non-motorized pathway from Grand River Avenue to Marsh Road. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

- K. Cider Mill Place Street Lighting SAD, **Resolution #2**
Trustee Brixie moved to approve Cider Mill Place Streetlighting Special Assessment District Resolution #2, which confirms the plans and estimate of costs for the Cider Mill Place Streetlighting Special Assessment District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$13,656.50 for the first year, and \$740.00 annually thereafter, and directs that amount to be assessed against the lands on that roll; orders the special assessment roll filed with the Township Assessor for spreading annually on the tax rolls; authorizes Consumers Energy to proceed with the installation of the seven streetlights, with cut-off fixtures; and authorizes the Township Supervisor and Clerk to sign the Authorization for Change in Streetlighting Contract.

Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11C, #11E)

9. HEARINGS

- A. 2005 Order to Construct Sidewalk, SAD #3
Supervisor McGillicuddy opened the public hearing at 6:28 P.M.

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Director Severy summarized the 2005 Order to Construct Sidewalk, SAD #3 as outlined in staff memorandum dated March 2, 2006.

Supervisor McGillicuddy closed the public hearing at 6:30 P.M.

B. 2005 Order to Maintain Sidewalk, SAD #7

Supervisor McGillicuddy opened the public hearing at 6:30 P.M.

Director Severy summarized the 2005 Order to Maintain Sidewalk, SAD #7 as outlined in staff memorandum dated March 2, 2006.

Supervisor McGillicuddy closed the public hearing at 6:30 P.M.

10. ACTION ITEMS/ENDS (None)

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Erik L. Walter, Knaggs, Harter, Brake & Schneider, 7521 Westshire Drive, Suite 100, Lansing, attorney for Mr. Forsberg, spoke in support of Rezoning #99020 (Forsberg)

Supervisor McGillicuddy closed public comment.

A. 2005 Order to Construct Sidewalk, SAD #3

The consensus of the Board was to place this item on the consent agenda for the March 21, 2006 meeting.

B. 2005 Order to Maintain Sidewalk, SAD #7

The consensus of the Board was to place this item on the consent agenda for the March 21, 2006 meeting.

C. Rezoning #02060 (Eyde), request to rezone approximately 5.4 acres at 5155 Marsh Road from RAAA (Single Family-Low Density) to PO (Professional Office)

Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated March 3, 2006.

Mark Clouse, Eyde Co., 4660 Hagadorn Road, East Lansing, offered background and history on this property since 1997. He asked the Board to consider sending this rezoning request back to the Planning Commission for amendment to the application, looking at the mixed use ordinance for new ideas for the site.

Board members discussed the following:

- Two family structures across the street are labeled RA
- Rural atmosphere of this property in the 1990's when the Board was considering using this property for a library
- Public hearing at the Board level
- Option for the applicant to initiate a conditional zoning proposal at any time
- Preference for referral back to the Planning Commission due to lack of action by the Board for several years
- Adoption of the 2005 Master Plan since the rezoning request was initiated
- Follow the procedural direction of counsel

Trustee Such moved to remove this rezoning request from the table. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

Continued Board discussion:

- Referral back to the Planning Commission as originally requested
- Need for up-to-date information on the parcel
- Leave the rezoning tabled and allow the applicant to bring forth new application
- Consideration of the original rezoning request by the Planning Commission under changed circumstances is restrictive given the applicant's inclination for consideration of other options
- Referral back to the Planning Commission which would allow them full freedom to consider any new amendments or proposal(s) by the applicant

Consideration of the request given changed circumstances: (Questions for the Attorney (See Agenda Item #8))

Q. Although the Master Plan has been changed, we have the difficulty that this application was submitted with the previous Master Plan in place. What are the legal ramifications of this?

A. When you refer it back, the Planning Commission and the Board should review it consistent with the plan that's currently in place.

Q. How do we get from the current proposal and this discussion to what actually goes before the Planning Commission that takes all the changes in the area and the applicant's wishes into consideration?

A. I think that the Board, now that it has been taken off the table at the point when they are ready to take some action, should make a motion to refer it back to the Planning Commission. That motion should be specific for a public hearing and a recommendation back to the Board. I would perceive what would happen at the public hearing is that information would, hopefully, be brought up and then the applicant would provide information that there is now a new mixed use ordinance. The Planning Commission can then make a recommendation back that this was the original application and they believe there is no other use that is appropriate and it should be denied.

Or, the Planning Commission, in a public hearing and in their discussion, can say there is a new ordinance here and it makes sense as a mixed use and, through that process, the applicant can say they would like to modify and do this. It may not be one meeting at the Planning Commission; it may take longer. It may come back with a recommendation that something different take place, or that they recommend that they still deny the original application. That is what I foresee happening. Then when it comes back to the Board, the Board can then act at that time.

The Board also has the option to not refer it back and vote on the original application.

The consensus of the Board was to place this item on for action at the March 21, 2006 meeting with a motion that encompasses all the concerns discussed so that the Planning Commission has the freedom and discretion to look at other possibilities on this property other than Office.

- D. Rezoning #99020 (Forsberg), request to rezone approximately 4.24 acres southwest of Coyote Creek Condominiums and south of the pond on the Smith Drain from RR (Rural Residential) to PO (Professional Office)

Trustee Such moved to remove this rezoning request from the table. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated March 3, 2006.

Erik L. Walter, Knaggs, Harter, Brake & Schneider, 7521 Westshire Drive, Suite 100, Lansing, attorney for Mr. Forsberg, stated the concerns previously raised which he believed led to the denial have been addressed through occurrences since that time.

Board members discussed the following:

- Access would be provided off Jolly Oak Road
- Private drive across the Smith Drain
- Amount of vegetation between this property and Coyote Creek
- Odd shaped piece of property
- Concern this project seems to be in the middle of an established residential area

The consensus of the Board was to place this item on for action at the March 21, 2006 meeting to address the motion on the table for denial.

E. Property Maintenance Code

Trustee Brixie moved to table this item until the March 21, 2006 meeting. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustees Such, Veenstra, Woiwode, Supervisor McGillicuddy
Motion failed 4-3.

Trustee Such summarized the proposed amendments as outlined in the handout dated March 6, 2006.

Board members and staff discussed the following:

- Tightening of language with proposed amendments so that all property owners would not be in violation of the code
- Concern with having an unqualified person on the Building Board of Appeals
- Need to have language prohibiting defacing of buildings
- Difficulty in analyzing five pages of detailed changes during the Board meeting
- Request for staff and attorney to look at the proposed amendments for approval
- Amendments to the 2003 Property Maintenance Code will be printed in the ordinance
- Exceptions will be listed as a Township exception or amendment
- The major document will not be published in the Township's code but be maintained in the document itself
- Precedent for adoption by reference with other codes
- Comparison of staff recommendations for changes/deletions with Such/Veenstra amendments
- Staff to prepare analysis of staff changes and Such/Veenstra amendments for discussion purposes
- Staff to include recommendation(s) on adoption in the analysis based on enforcement

Procedure for including changes/amendments when a document is adopted by reference: (Questions for the Attorney (See Agenda Item #8))

Q. Because they were very specific in wording, we were going to adopt this by reference as I recall. We were not going to print it in our code book, correct? What would that do with adopting it by reference?

A. There's already several provisions that have been changed by or recommended to be changed by staff. These would just be included and the new language would be added in there.

The consensus of the Board was to place this item on for discussion at the March 21, 2006 meeting.

F. 2006 Citizen Survey

Township Manager Richards offered four (4) drafted questions for Board consideration. He requested Board members send any comments or questions directly to him for selection of three (3) questions.

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Rex Harrington, 820 Piper Road, Haslett, expressed a desire that additional provisions be included in the Property Maintenance Code to address the negative effects of phosphorus contained in lawn fertilizers and the use of herbicides and pesticides which pollute public waterways.

Will White, 2142-½ Hamilton Road, Okemos, spoke in opposition to the Property Maintenance Code.

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 7:58 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary